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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,740	04/16/2004	Jason B. Case	5150-75401	1357

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EXAMINER
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DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2192

MAIL DATE	DELIVERY MODE
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01/22/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,740	<b>Applicant(s)</b> CASE ET AL.	
	<b>Examiner</b> CHAMELI C. DAS	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/09/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-28 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 12/09/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

3. The drawings filed on 4/16/2004 have been accepted by the Examiner.

#### ***Examiner's Notes***

4. Examiner cites particular paragraph numbers and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### ***Oath/Declaration***

5. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

***Specification***

6. The use of the trademarks "Java", "Pascal", "Basic", "Fortran", and "Cobol" have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

7. In the specification, on page 9 line 18, the blank should be replaced by the proper US Patent Application Publication No.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-13 and 15-23 recite the limitation "carrier medium", and claim 14 recites the limitation "medium". In supporting this language in the specification, Applicant sets forth on page 10 lines 18-20, the carrier medium as well as "signal such as electrical, electromagnetic, or digital signals". However, "signals" are not tangible, and hence claims 1-23 are not statutory under 35 U.S.C. § 101.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Kudukoli et al***, US 20010020291, hereinafter (Kidukoli)

***As per claim 1, Kudukoli discloses:***

- receive a request for information regarding an interface of a graphical program (Abstract), where “receiving program information. The program information may specify functionality of the graphical program and where the program information of the graphical program is regarding an interface of a graphical program (0036);

- programmatically determine the information regarding the interface of the graphical program; [0028], where “the functionality of the graphical program is **determined mainly by the GPG program** that generates the graphical program, and only determined to a small degree (or no degree) by the received information” clearly shows “programmatically determine the information as claimed;

and return the information regarding the interface of the graphical program [0124], where “ return to an application from which the program information originates, e.g., in order to view or edit the program information”, Where “view or edit the program information” inherently including “interface of the graphical program” as claimed.

***As per claim 2, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein the information regarding the interface of the graphical program includes information for invoking execution of the graphical program [0083], “In this embodiment, the client program may be a software program that receives and processes program information and invokes functionality of the LabVIEW graphical programming environment. The client program may also be a program involved with instrumentation or data acquisition”).

***As per claim 3, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein said programmatically determining the information regarding the interface of the graphical program comprises programmatically determining information regarding one or more parameters for invoking the graphical program [0237];

- and wherein said returning the information regarding the interface of the graphical program comprises returning the information regarding the one or more parameters for invoking the graphical program [0237], [0261], [0267].

***As per claim 4, the rejection of claim 3 is incorporated and further Kudukoli discloses:***

- wherein said programmatically determining the information regarding the one or more parameters for invoking the graphical program comprises programmatically determining data types of the one or more parameters for invoking the graphical program; and wherein said returning the information regarding the one or more parameters for invoking the graphical program comprises returning information specifying the data types of the one or more parameters for invoking the graphical program [0166] , [0100] [0237].

***As per claim 5, the rejection of claim 4 is incorporated and further Kudukoli discloses:***

- generate data describing the data types of the parameters for invoking the graphical program [0035] [0016] [0018] [0025] [0026];

wherein said returning the information specifying the data types of the parameters for invoking the graphical program comprises returning the data describing the data types [0100], [0101], [0124].

***As per claim 6, the rejection of claim 5 is incorporated and further Kudukoli discloses:***

- wherein said generating the data describing the data types of the parameters for invoking the graphical program comprises generating XML data describing the data types of the parameters for invoking the graphical program [0026].

***As per claim 7, the rejection of claim 3 is incorporated and further Kudukoli discloses:***

- wherein said programmatically determining the information regarding the one or more parameters for invoking the graphical program comprises programmatically determining default values of one or more of the parameters [0255];

- and wherein said returning the information regarding the one or more parameters for invoking the graphical program comprises returning information specifying the default values [0146] [0152].

***As per claim 8, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein said programmatically determining the information regarding the interface of the graphical program comprises programmatically analyzing one or more

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data structures representing the graphical program to determine the information regarding the interface of the graphical program [0035] [0102] [0102].

***As per claim 9, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program [0019].

***As per claim 10, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein the graphical program comprises a graphical data flow program [0019] [0030].

***As per claim 11, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein the graphical program comprises a block diagram portion and a user interface portion (Abstract), [0030] .

***As per claim 12, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein said receiving the request for information regarding the interface of the graphical program comprises receiving an invocation of one of a method or a function (Abstract, [0031] , [0026].

***As per claim 13, the rejection of claim 1 is incorporated and further Kudukoli discloses:***

- wherein said receiving the request for information regarding the interface of the graphical program comprises receiving a message requesting the information regarding the interface of the graphical program [0022] [0028].



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**Claim 14** is rejected under the same reason set forth in connection of the rejection of claim 1 above.

***As per claim 15 Kudukoli discloses:***

- request information regarding an interface of a graphical program

[0022] [0027] [0028];

- receive information regarding the interface of the graphical program in response to the request [0098] [0099] [0100];

and invoke execution of the graphical program according to the received information regarding the interface of the graphical program (Abstract), [0018], [0021].

***As per claim 16, the rejection of claim 15 is incorporated and further Kudukoli discloses***

- wherein the information regarding the interface of the graphical program includes information for invoking execution of the graphical program [0104], [0021], [0028], [0031].

***As per claim 17, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

- wherein said receiving the information regarding the interface of the graphical program comprises receiving information regarding one or more parameters for invoking the graphical program [0035] [0016] [0018] [0025] [0026];

and wherein said invoking execution of the graphical program according to the received information comprises invoking execution of the graphical program with the one or more parameters [0034] [0237].

***As per claim 18, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

- wherein said receiving the information regarding the one or more parameters for invoking the graphical program comprises receiving information specifying data types of the one or more parameters for invoking the graphical program; and wherein said invoking execution of the graphical program with the one or more parameters comprises passing one or more parameters having data types specified by the information [0166] , [0100] [0237].

***As per claim 19, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

- wherein said receiving the information regarding the one or more parameters for invoking the graphical program comprises receiving information specifying default values of one or more of the parameters for invoking the graphical program [0255];

- and wherein said invoking execution of the graphical program with the one or more parameters comprises passing one or more parameters having default values specified by the information [0146] [0152].

***As per claim 20, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

- wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program [0019].

***As per claim 21, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

- wherein the graphical program comprises a graphical data flow program [0019] [0030].

***As per claim 22, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

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- wherein said programmatically requesting the information regarding the interface of the graphical program comprises calling one or more methods or one or more functions to request the information regarding the interface of the graphical program [0104], [0117] [0134] [0134] [0237].

***As per claim 23, the rejection of claim 15 is incorporated and further Kudukoli discloses:***

- wherein said programmatically requesting the information regarding the interface of the graphical program comprises programmatically sending a message to request the information regarding the interface of the graphical program [0022] [0028].

***Claim 24*** is rejected under the same reason set forth in connection of the rejection of claim 1 above.

***As per claim 25, Kudukoli discloses:***

programmatically requesting information regarding an interface of a graphical program, receiving information regarding the interface of the graphical program in response to the request (Abstract), [0036];

and invoking execution of the graphical program according to the received information regarding the interface of the graphical program [0034] [0237].

***Claim 26*** is rejected under the same reason set forth in connection of the rejection of claim 25 above and further ***Kudukoli discloses the test executive application*** [0021].

**Claim 27** is rejected under the same reason set forth in connection of the rejection of claim 1 above and further **Kudukoli discloses** a processor, a memory operable to the processor and the processor is operable to execute program instructions stored in the processor [0080] [0081] [0082].

**Claim 28** is rejected under the same reason set forth in connection of the rejection of claim 25 above and further **Kudukoli discloses** a processor, a memory operable to the processor and the processor is operable to execute program instructions stored in the processor [0080] [0081] [0082].

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:30 P.M (E.T).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance

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from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (in the USA or Canada) or (571) 272-1000.

/CHAMELI C. DAS/

Primary Examiner, Art Unit 2192

Dated: 1/14/2010